United Nations CEDAW/SP/2000/4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
20 July 2000

Original: English

Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women
Eleventh meeting
New York, 31 August 2000
Item 6 of the provisional agenda*
Other matters

Letter dated 3 March 2000 from the representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia to the United Nations addressed to the Secretary-General

Upon instructions of our respective Governments, we should like to refer to the document containing the report of the Secretary-General on the status of submissions of reports by States parties under article 18 of the Convention (CEDAW/C/2000/I/2) and related documents. In annex II of the document "Yugoslavia" is listed as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, whose report was due on 28 March 1991, and subsequently submitted on 14 October 1998.

Evidently, an error has occurred in the above-mentioned document and related documents, whereby two different States (i.e., two different subjects of international law) have been equated. The State required to submit a report in 1991 was the Socialist Federal Republic of Yugoslavia — which ceased to exist in 1992 — while the State that actually submitted the report in 1998 is one of its five successors, i.e., the Federal Republic of Yugoslavia (Serbia and Montenegro). The distinction between the two States is not evident from the Committee documents. Presumably, the error occurred because the same abbreviated name of "Yugoslavia" has been used by both the Socialist Federal Republic of Yugoslavia and the Federal Republic of Yugoslavia.

Over the years, our respective Governments have drawn the attention of various depositories of international treaties to the fact that two different States have been using the same abbreviated name "Yugoslavia", calling at the same time for due clarification. Unless clarified, usage of the abbreviated name "Yugoslavia" may lead to errors, such as the one contained in document CEDAW/C/2000/I/2 and related

* CEDAW/SP/2000/1.

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documents. As a result of these errors, the equal rights of the remaining four equally legitimate successor States to the former Socialist Federal Republic Of Yugoslavia (i.e., Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia) could adversely be affected.

The practice of some depositories is to place an asterisk above the abbreviation "Yugoslavia" with an explanatory footnote explaining which subject of international law is being referred to in the text, and when it has become a State party to the treaty. Other depositories, while waiting for the Federal Republic of Yugoslavia to become a State party to the treaty in accordance with its provisions or relevant rules of international treaty law, simply deleted "Yugoslavia" (Socialist Federal Republic of Yugoslavia) from lists of State parties, because that State ceased to exist as a legal personality.

In this connection, we would like to draw your attention to Security Council resolution 777 (1992) which confirmed the fact that the Socialist Federal Republic of Yugoslavia had ceased to exist. Furthermore, this Security Council resolution and General Assembly resolution 47/1 state that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore decides that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations ...". The two principal organs of the United Nations thereby confirmed the findings of the Arbitration Commission of the European Union/United Nations Conference on the former Socialist Federal Republic of Yugoslavia, namely that the former Socialist Federal Republic of Yugoslavia has dissolved and ceased to exist, as well as that none of its five equally legitimate successor States continues its legal personality.

Our respective Governments do not contest the responsibility of the Federal Republic of Yugoslavia to honour, as a successor State, treaty obligations of our common predecessor, i.e., the Socialist Federal Republic of Yugoslavia. Relevant rules of general international law relating to the succession of treaties in the case of the dissolution of a predecessor State require, in general, from all successor States to continue to honour treaty obligations of their common predecessor State. The successor States to the former Socialist Federal Republic of Yugoslavia even adopted the general declaration to that effect (e.g., Croatia and Slovenia on 25 June 1991, and the Federal Republic of Yugoslavia on 27 April 1992).

In view of the fact that the Federal Republic of Yugoslavia has never submitted an initial report to the Committee, our respective Governments request that document CEDAW/C/2000/I/2 be corrected in a manner that clearly indicates that the report submitted on 14 October 1998 was submitted by the Federal Republic of Yugoslavia as its initial report. As stated above, the Federal Republic of Yugoslavia is entitled to submit the report as a part of its responsibility to honour the treaty obligations of its predecessor, i.e., the Socialist Federal Republic of Yugoslavia.

In this regard, we would like to emphasize that, pursuant to general international law and practice, successor States do not enjoy automatically the status of their predecessor State in international treaties. Successor States are entitled to that status, but they are not treated as State parties unless they have deposited a notification on succession or adhered to these treaties in another legally acceptable manner. Upon the undertaking of such treaty action, the depositary is in a position to include the fuli official name of a successor State and the date from which it became

a State party in the list of State parties to the treaty and other treaty-related documents.

We should like to request your assistance in circulating the present letter to State parties to the Convention on the Elimination of All Forms of Discrimination against Women.

(*Signed*) Muhamed **Sacirbey**
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Permanent Representative of
Bosnia and Herzegovina

(*Signed*) Ivan **Šimonovic**
Ambassador
Permanent Representative
of the Republic of Croatia

(*Signed*) Donka **Gligorova**
Chargé d'affaires a.i.
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(*Signed*) Samuel **Zbogar**
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